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# MEMO ENDORSED

December 12, 2007

By Facsimile

Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 640  
New York, NY 10007  
Facsimile: (212) 805-6326

12/12/07  
cc: [unclear]  
Appellee's  
Suzette Rivera

Re: Alhovsky v. Ryan, et. al., Docket No. 07 CV 7628

Dear Judge McMahon:

This office represents the defendants in the above-referenced matter. I write to request a modification to the schedule for briefing defendants' motion to dismiss pursuant to Fed. R. Civ. Pro. 12(c) or, in the alternative, for summary judgment pursuant to Fed. R. Civ. Pro. 56 on the grounds that the individual defendants are entitled to qualified immunity on some or all of plaintiffs' claims and that the City of New York and the Department of Parks and Recreation are entitled to judgment as a matter of law. Pursuant to your Honor's individual rules, defendants noticed their intent to move in this regard at the time they filed their answer to the complaint on November 13, 2007, and again at the time they filed their answer to the amended complaint on November 15, 2007.

At the Fed. R. Civ. Pro. Rule 16 conference that was held before your Honor on November 30, 2007, the parties explained that defendants were scheduled to depose the plaintiff on December 10, 2007. As a result, your Honor gave defendants until January 4, 2008 to submit their proposed motion, and further stated that plaintiff would have until January 18, 2008 to oppose the motion and that defendants would have until January 25, 2008 to reply. By email on Saturday, December 8, 2007, plaintiff's attorney, Robert Erlanger, informed me and my co-counsel Suzette Rivera that Mr. Alhovsky had to take an emergency trip to Moscow for a matter relating to his father's poor health and would be leaving the country the next day. Defendants were, thus, unable to depose Mr. Alhovsky on December 10, 2007. At this time, Mr. Erlanger anticipates that Mr. Alhovsky will be back in the country by the end of December. Ms. Rivera and I have conferred with Mr. Erlanger and have agreed to go forward with plaintiff's deposition

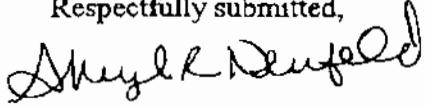
Honorable Colleen McMahon  
December 12, 2007  
Page 2

on January 10, 2008. We have also conferred with Mr. Erlanger regarding scheduling of the defendants' contemplated motion, and he has consented to the schedule proposed below.

In light of the new date for plaintiff's deposition, the parties request your Honor's permission to allow defendants to file their contemplated motion no later than January 31, 2008. We further request that plaintiff have until February 14, 2008 to oppose defendants' motion and that defendants have until February 21, 2008 to reply.

We appreciate your Honor's consideration of this application.

Respectfully submitted,



Sheryl R. Neufeld (SK 2728)  
Assistant Corporation Counsel

Cc: Robert Erlanger, Esq. (by email)